

REMARKS

After entry of this Preliminary Amendment, claims 2, 4, 8, 10-15, 18, 22, 27, 30, 34, 36 and 47-51 will be pending in this application. New claims 47-51 have been added. Support for these new claims can be found in the originally-filed application at, e.g., paragraphs [0015], [0035] and [0103]. No new matter is believed to have been added.

In the Office Action mailed May 1, 2008, the Examiner required a species election to one of the four ErbB receptors, i.e., ErbB-1, ErbB-2, ErbB-3, and ErbB-4. In response, Applicant provisionally elected with traverse the species ErbB-2. In the same Office Action, the Examiner also required a species election to one of the three ErbB receptor probes, i.e., a nucleic acid, a protein, and a small molecule. In response, Applicant provisionally elected with traverse the species protein. Applicant submits that new claims 47-51 also are directed to the above-mentioned four ErbB receptors and three ErbB receptor probes, and hereby provisionally elects ErbB-2 as the ErbB receptor species and protein as the ErbB receptor probe species for further examination.

Upon the allowance of a generic claim, claims drawn to unelected species which depend from or otherwise require all the limitations of the generic claim are also allowable as provided under 37 C.F.R. § 1.141. See also MPEP § 806.04(d).

Applicant fully reserves the right to prosecute the subject matter of the non-elected inventions in one or more related applications. Applicant also reserves the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicant respectfully requests that the above remarks be entered and made of record in the file history of the instant application.

Respectfully submitted,

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